



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,986	09/29/2003	Peter Kozdon	2003P08066US	2831

7590 10/06/2005

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,986

Applicant(s)

KOZDON ET AL.

Examiner

Joseph T. Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 17, 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, 18 each recite the phrase *"providing...data... for each of said at least one media capability for each of said plurality of communication devices."* This phrase is unclear and confusing as it is not known if the phrase "...for each of said plurality of communication devices" refers to the 'providing data' portion or the 'for each of said at least one media capability' portion.

Grammatical errors makes the claim unclear and therefore indefinite.

Appropriate clarification and/or correction are required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-11, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Yoakum et al., Patent #6,658,095.

Regarding claims 1 and 17-18, Yoakum teaches a system, method, and article of manufacture comprising:

a processor, a communication port coupled to said processor and adapted to communicate with at least one device, and a storage device coupled to said processor and storing instructions adapted to be executed by said processor to: determine a plurality of communication devices associated with an identity, determine at least one media capability associated with each of said plurality of communication devices(Fig.1), determine availability information for each of said at least one media capability; and provide, via a user interface, an aggregated view of data indicative of said availability information for each of said at least one media capability for each of said plurality of communication devices (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 2, Yoakum teaches the method of claim 1, further comprising the step of: receiving a request for information regarding media channel availability for said identity (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 3, Yoakum teaches the method of claim 1, further comprising the step of: receiving a request for information regarding media channel availability for said device (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Art Unit: 2645

Regarding claim 5, Yoakum teaches the method of claim 4, wherein said interface provides information identifying said device (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 6, Yoakum teaches the method of claim 4, wherein said interface provides information identifying said identity (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 7, Yoakum teaches the method of claim 4, wherein said interface provides information identifying an identity context associated with said identity (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 8, Yoakum teaches the method of claim 1, further comprising the step of: determining a device context for said device (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 9, Yoakum teaches the method of claim 1, further comprising the step of: determining a rule governing availability of said media channel (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 10, Yoakum teaches the method of claim 1, further comprising the step of: determining a rule that governs how availability of said media channel is to be determined (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Regarding claim 11, Yoakum teaches the method of claim 1, further comprising the step of: determining an identity context for said identity (col.2 lines 31-47 and col.7 line 10-col.8 line 57).

Response to Arguments

Art Unit: 2645

3. Applicant's arguments with respect to claims **1-3, 5-11, and 17-18** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

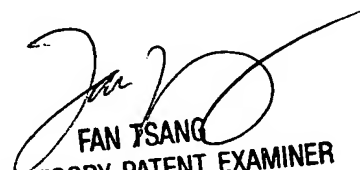
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP

September 30, 2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600